

Senate Study Bill 3115 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act regarding matters under the purview of the department of
2 natural resources.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 17A.7, subsection 1, Code 2009, is
2 amended to read as follows:

3 1. An interested person may petition an agency requesting
4 the adoption, amendment, or repeal of a rule. Each agency
5 shall prescribe by rule the form for petitions and the
6 procedure for their submission, consideration, and disposition.

7 a. Within sixty days after submission of a petition, the
8 agency either shall deny the petition in writing on the merits,
9 stating its reasons for the denial, or initiate rulemaking
10 proceedings in accordance with section 17A.4, or issue a rule
11 if it is not required to be issued according to the procedures
12 of section 17A.4, subsection 1.

13 b. Notwithstanding the sixty-day-response-period
14 requirement specified in paragraph "a", the department of
15 natural resources, the environmental protection commission, or
16 the natural resource commission, shall respond to a petition
17 requesting the adoption, amendment, or repeal of a rule within
18 one hundred twenty days after submission of a petition.

19 Sec. 2. Section 455B.152, subsection 2, Code 2009, is
20 amended by adding the following new paragraph:

21 NEW PARAGRAPH. c. The department shall coordinate the data
22 collection with the United States environmental protection
23 agency upon the enactment of a federal mandatory greenhouse gas
24 emission reporting rule.

25 Sec. 3. Section 455B.851, subsection 9, Code 2009, is
26 amended to read as follows:

27 9. By ~~September 1~~ December 31 of each year, the department
28 shall submit a report to the governor and the general assembly
29 regarding the greenhouse gas emissions in the state during
30 the previous calendar year and forecasting trends in such
31 emissions. ~~The first submission by the department shall be~~
32 ~~filed by September 1, 2008, for the calendar year beginning~~
33 ~~January 1, 2007.~~

34 Sec. 4. Section 456A.17, Code 2009, is amended to read as
35 follows:

1 **456A.17 Funds — restrictions.**

2 1. The following four funds are created in the state
3 treasury:

4 ~~1.~~ a. A state fish and game protection fund.

5 ~~2.~~ b. A state conservation fund.

6 ~~3.~~ c. An administration fund.

7 ~~4.~~ d. A county conservation board fund.

8 2. The state fish and game protection fund, except as
9 otherwise provided, consists of all moneys accruing from
10 license fees and all other sources of revenue arising under the
11 fish and wildlife programs. Notwithstanding section 12C.7,
12 subsection 2, interest or earnings on investments or time
13 deposits of the moneys in the state fish and game protection
14 fund shall be credited to that fund.

15 3. The county conservation board fund consists of all moneys
16 credited to it by law or appropriated to it by the general
17 assembly.

18 4. The conservation fund, except as otherwise provided,
19 consists of all other funds accruing to the department for the
20 purposes embraced by this chapter.

21 5. The administration fund shall consist of an equitable
22 portion of the gross amount of the state fish and game
23 protection fund and the state conservation fund, to be
24 determined by the commission, sufficient to pay the expense of
25 administration entailed by this chapter.

26 6. All receipts and refunds and reimbursements related to
27 activities funded by the administration fund are appropriated
28 to the administration fund. All refunds and reimbursements
29 relating to activities of the state fish and game protection
30 fund shall be credited to the state fish and game protection
31 fund.

32 7. Notwithstanding section 8.33, revenues deposited
33 in the state conservation fund, and remaining in the state
34 conservation fund on June 30 of any fiscal year shall not
35 revert to the general fund of the state but shall remain

1 available for expenditure for one year after the close of the
2 fiscal year during which such revenues were deposited. Any
3 such revenues remaining unexpended at the end of the one-year
4 period during which the revenues are available for expenditure
5 shall revert to the general fund of the state.

6 8. The department may apply for a loan for the construction
7 of facilities for the collection and treatment of waste water
8 and for the supply, treatment, and distribution of drinking
9 water under the state water pollution control works and
10 drinking water facilities financing program as established in
11 sections 455B.291 through 455B.299. In order to provide for
12 the repayment of a loan granted under the financing program,
13 the commission may impose a lien on not more than ten percent
14 of the annual revenues from user fees and related revenue
15 derived from park and recreation areas under chapter 461A
16 which are deposited in the state conservation fund. If a lien
17 is established as provided in this paragraph, repayment of
18 the loan is the first priority on the revenues received and
19 dedicated for the loan repayment each year.

20 EXPLANATION

21 This bill makes specified changes regarding matters within
22 the purview of the department of natural resources.

23 The bill expands the current 60-day time period specified
24 in Code chapter 17A within which an agency must respond to
25 a petition requesting the adoption, amendment, or repeal of
26 an administrative rule to 120 days, but only for petitions
27 submitted to the department of natural resources, the
28 environmental protection commission, or the natural resource
29 commission.

30 The bill directs the department to coordinate the collection
31 of data from greenhouse gas producers, as required in Code
32 section 455B.152, with the United States environmental
33 protection agency upon enactment by the agency of a federal
34 mandatory greenhouse gas emissions reporting rule, and changes
35 the date by which the department is required to submit a report

1 to the governor and the general assembly regarding greenhouse
2 gas emissions in the state from September 1 to December 31
3 annually.

4 The bill additionally authorizes the department to apply
5 for loans for the construction of facilities for the supply,
6 treatment, and distribution of drinking water pursuant to
7 the state water pollution control works and drinking water
8 facilities financing program. Code section 456A.17 currently
9 authorizes such loans with regard to the construction of
10 facilities for the collection and treatment of waste water.